



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON, D.C. 20370-5100

TRG

Docket No: 2333-99

9 November 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 7 November 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Navy Personnel Command, a copy of which is enclosed.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection the Board substantially concurred with the comments contained in the advisory opinion. In reaching its decision, the Board noted that you have 17 years of qualifying service for reserve retirement and are still on a Naval Reserve contract. Consequently you have an opportunity to earn reserve retirement.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval

record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY

**NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000**

5420
PERS-91
7 Aug 99

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: Assistant for BCNR Matters (PERS-OOZCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS ICO PETTY
OFFICER [REDACTED]

Ref: (a) BCNR memo 5420 PERS-OOZCB of 30 Aug 99

Encl: (1) BCNR File No. 2333-99

1. In response to reference (a) we are returning enclosure (1) with the recommendation that [REDACTED] petition, in which he requests back pay and allowances from 31 Jan 95 and reinstatement of time in service, be denied.

a. [REDACTED] was a Canvasser Recruiter (CANREC) and alleges that he was discharged with prejudice and no wrong doing on his part and was purposely cut short of retirement. In particular he claims that there was no formal counseling regarding performance, no medical/physical evaluation was done for reenlistment or separation, and errors on his evaluation regarding physical readiness test (PRT) results.

b. [REDACTED] record shows that he was not discharged from the Navy or Naval Reserve on 31 Jan 95. He was, however, released from active duty and transferred to the Ready Reserve on 31 Jan 95 due to non-continuation in the CANREC program. CDR Gothard, Officer-in-Charge of Naval Reserve Recruiting Detachment FIVE, recommended [REDACTED] for non-continuation on 1 Oct 94 due to his decline in performance as station Recruiter-in-Charge (RINC) and his poor and hostile attitude. In his recommendation for non-continuation CDR Gothard states that he had to personally counsel [REDACTED] regarding his hostile attitude. Also CDR Gothard states that had Petty Officer Bartolozzi not requested to be relieved as RINC in January 1994 it is likely that he would have been relieved shortly thereafter. Petty [REDACTED] was counseled in writing regarding deficiencies in his performance three times in 1994, three times

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[REDACTED]

in 1993 and once in 1992. The Naval Reserve Recruiting Command Second Quarter FY-95 Continuation Board considered his record and recommended non-continuation of [REDACTED] to Commander, Naval Reserve Recruiting Command who concurred. The non-continuation recommendation was then forwarded to BUPERS where it was approved.

c. We can't confirm if [REDACTED] had a physical examination before his release from active duty because his medical record is not immediately available. A physical examination is required per Navy policy. However, whether or not he had an examination has no bearing on his non-continuation. Any decision to not continue occurs first and is then followed by a physical examination and release from active duty.

d. [REDACTED] enlisted performance evaluation for the period 1 Dec 93 to 5 Sep 94 doesn't appear to reflect any conflicting data with regard to his PRT performance. We can't confirm [REDACTED]'s actual PRT results because his PRT record is no longer available. Block 20 of the evaluation indicates that he was within standards for body fat and passed the most recent PRT, which is implied in Block 56 to be the second PRT of that reporting period. Block 56 indicates that he passed all portions of the most recent PRT less the run for which he was medically excused. This is consistent with Block 20 of the evaluation and is not viewed as adverse. Block 56 further states that he failed the run portion in the first PRT of that year and that he has failed to meet body fat standards, failed the PRT, or has been medically waived for each PRT during the last three years. These remarks are consistent with [REDACTED] enlisted performance evaluations for the past three years.



C. B. LAPORTE
Captain, U.S. Naval Reserve
Director, Naval Reserve Personnel
Administration Division

WHY:	0 - RESERVE COMPONENT SERVICE	MBR:	MEMBERSHIP POINTS (MAX 15 PER ANNIVERSARY YEAR)
	1 - REGULAR COMPONENT SERVICE	INAC:	TOTAL INACTIVE DUTY TRAINING POINTS (MAX 75 PER YEAR ON OR AFTER 23 SEP 1996 AND MAX 60 POINTS PER ANNIVERSARY YEAR PRIOR TO 23 SEP 1996)
	3 - SERVICE NOT CREDITABLE		ANNUAL TRAINING/ACTIVE DUTY FOR TRAINING SERVICE POINTS
	4 - ISL (INACTIVE STATUS LIST)	AT/ADT:	EXTENDED ACTIVE DUTY SERVICE POINTS
	5 - DECEASED	ACTIVE:	TOTAL RETIREMENT POINTS EARNED DURING ANNIVERSARY YEAR
	6 - ENLISTED: DISCHARGED	TOTAL:	YR = YEAR(S)
	7 - OFFICER: RESIGNED/DISCHARGED	QUALIFYING:	M = MONTH(S)
	9 - RETIRED		D = DAY(S)
DRILL:	INACTIVE DUTY DRILL TRAINING POINTS		
COURSE:	CORRESPONDENCE COURSE POINTS		